In the High Court of Uttaranchal, at Nainital.

Civil Revision No. 427/2001
(Old No. 75 of 2000)

Rajiv Chandola … Revisionist.

Vs.

Smt. Alpana alias Bharti … Respondent.

Dated: 23-9-2004

Hon'ble Rajesh Tandon, J.

The revision has been transferred from Allahabad High Court. None appears to press the revision.

The revision itself was field along with an application under section 5 of Indian Limitation Act.

By the impugned order the applicant has challenged the order passed under Section 24 of the Hindu Marriage Act. The learned Civil Judge (S.D.) has passed the order for payment of interim maintenance of Rs. 2000/- per month and Rs. 5000/- as expenses of litigation to the respondent-wife. A perusal of the order shows that the court concerned has taken into consideration that the respondent-revisionist was drawing a salary of Rs. 9000/- per month. According to his pay certificate the initial amount which he was getting was to the extent of Rs. 6500/- only. Taking into account the initial pay the total salary which the petitioner was getting is Rs. 9680/- per month.

In view of the aforesaid fact I do not find any infirmity in the order passed by the Civil Judge (S.D.) in awarding a sum of Rs. 2000/- per month towards maintenance allowance.

The revision is dismissed. However liberty is given to the applicant to file recalling application in case the applicant think that any situation has been changed after passing the order.

(Rajesh Tandon, J.)

ISB